

**Chapter 1101**  
**Purpose and Nature**

**CODIFIED ORDINANCES OF CENTERBURG**  
**PART ELEVEN - PLANNING AND ZONING CODE**

**TITLE ONE - General Zoning Provisions**

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**CHAPTER 1101**  
**Purpose and Nature**

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| <b>1101.01 Purpose.</b>                        | <b>1101.04 Relief from application of</b> |
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**CROSS REFERENCES**

Basis of districts - see Ohio R.C. 713.\_\_\_\_\_

**1101.01 PURPOSE.**

The purpose of this Zoning Ordinance is to:

- (a) Promote and uphold the public health, safety, general welfare and morals of the Village through the regulation of the use of land and of the type, size and use of structures.
- (b) Ensure and encourage the proper use of land to stabilize and preserve property values, to protect against congested and unsafe traffic conditions, to provide safety from hazards such as fire, flood, water and air contamination, and to guarantee adequate light, air, and open space to all residents of the Village.
- (c) Facilitate development of land uses according to a comprehensive design that ensures the availability of and provision for adequate traffic capacity, water and sewer service, schools, public parklands and other such public facilities.
- (d) Preserve unique historical and natural features of structures and land within the Village. (Ord. 2006-13. Passed May 1, 2006.)

**1101.02 NATURE.**

The nature of this Zoning Ordinance is to:

- (a) Carry out the stated purposes of this Zoning Ordinance by the arrangement of zoning districts that shall include all land within the boundaries of the Village.
- (b) Specify and regulate uses of land and the type, size and use of structures within each separate zoning district.
- (c) Delineate zoning district boundaries in a manner which is comprehensive and includes all land and structures similar in nature and circumstance to the extent feasible. (Ord. 2006-13. Passed May 1, 2006.)

**1101.03 DISTRICT REGULATIONS GENERALLY.**

(a) Standard District Regulations. The purpose of zoning regulations for the standard districts listed in Section 1103.04 is to:

- (1) Delineate areas of existing and expected land uses that are best represented by the regulations and purpose of a specific zoning district.
- (2) Protect and maintain the essential qualities of such areas by district regulations.
- (3) Provide a mechanism for adjustments in zoning district boundaries as are necessary in the transition of land use character.

(b) Planned Development District Regulations. The purpose of zoning regulations for the planned districts listed in Section 1103.04, in addition to the purpose set out in subsection (a) hereof is to:

- (1) Regulate, encourage and provide for the coordinated and organized development of land.
- (2) Allow the maximum possible flexibility in the placement and design of uses and structures.
- (3) Ensure flexibility of design while maintaining a desirable relationship to adjacent property and to the community as a whole.

(Ord. 2006-13. Passed May 1, 2006.)

**1101.04 RELIEF FROM APPLICATION OF ZONING ORDINANCE OR ZONING DISTRICT MAP.**

Relief from application of the district regulations established by this Zoning Ordinance and the Zoning District Map shall be sought in the manner provided by this section.

- (a) Material change from one use permitted in a zoning district to another use permitted in that same zoning district shall be by a zoning certificate issued pursuant to Chapter 1107.
- (b) Change from a use permitted in a zoning district to another use not permitted in that zoning district shall be by a conditional use permit granted pursuant to Chapter 1111. The new use shall be subject to conditions imposed by Planning Commission and/or Council.
- (c) Deviation from zoning district development standards shall be by a variance granted pursuant to Chapter 1113 or Chapter 1108.

- (d) Permanent change in zoning district uses or development standards applicable to an area shall be by an amendment to this Zoning Ordinance and/or Zoning District Map adopted pursuant to Chapter 1109. (Ord. 2006-13. Passed May 1, 2006.)

**CHAPTER 1103  
Application**

<b>1103.01</b>	<b>Conformance required.</b>	<b>1103.04</b>	<b>Establishment of Zoning Districts.</b>
<b>1103.02</b>	<b>Zoning District Map.</b>	<b>1103.05</b>	<b>Definitions.</b>
<b>1103.03</b>	<b>Zoning districts.</b>	<b>1103.06</b>	<b>Zoning of Annexed Territory.</b>

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**1103.01 CONFORMANCE REQUIRED.**

No structure or part thereof shall be placed upon or moved onto land, erected, constructed, reconstructed, enlarged or structurally altered, nor shall any building or land be used or occupied which does not comply with the district regulations established by this Zoning Ordinance for the district in which the building, structure or land is located. (Ord. 2006-13. Passed May 1, 2006.)

**1103.02 ZONING DISTRICT MAP.**

The boundaries of zoning districts are those established on a Zoning District Map entitled "Zoning District Map of the Village of Centerburg, Ohio", adopted [\_\_\_\_\_] **INSERT DATE**] certified by the Clerk of Council, which map together with subsequent amendments adopted by Council and all explanatory matter thereon is made a part of this Zoning Ordinance.

Any changes in zoning districts made by Council, and conditional use permits granted by the Planning Commission, and any variances granted by the Board of Zoning Appeals or Planning Commission shall be noted on the Zoning District Map by the Zoning Administrator. The zoning classifications of areas annexed to the Village shall also be noted on the Zoning District Map by the Zoning Administrator. A copy of the Zoning District Map and the Planning and Zoning Code may be obtained from the Village Office. Any person requesting copies shall pay a fee in accordance with the fee schedule adopted and approved by Village Council to defray the cost of reproduction of the materials. (Ord. 2006-13. Passed May 1, 2006.)

**1103.03 ZONING DISTRICTS.**

For the purpose of regulating and restricting the general location of structures and land to be used for trade, industry, residence and other specified uses within the Village and for the purpose of regulating the height of buildings and other structures, for regulating the bulk and location of structures, including percentage of lot occupancy, setback, building lines and the area of yards, courts and other open spaces, the Village is divided into zoning districts as set forth in this section and as established on the Zoning District Map. (Ord. 2006-13. Passed May 1, 2006.)

**1103.04 ESTABLISHMENT OF ZONING DISTRICTS**

The Village of Centerburg is hereby divided into the following standard zoning districts and special zoning districts:

<u>ZONING DISTRICTS</u>	<u>Standard</u>	<u>Planned</u>
Residential:	RR Rural Residential ER Estate Residential R Single Family R-1 Single Family R-2 Single Family R-3 Two-Family R-4 Multiple Family	PRD Planned Residential PND Planned Neighborhood
Commercial:	CC Community Commercial	PCC Community Commercial
Office- Institutional:	OI Office Institutional	PO Planned Office
Industrial:	Industrial	PID Planned Industrial
Mixed Use:	VC Village Center ROS Residential Office Services	PD Planned Development
Special Districts:	OS Open Space District SFH Special Flood Hazard Areas SOD Special Overlay	

(Ord. 2006-13. Passed May 1, 2006.)

**1103.05 DEFINITIONS.**

Except as specifically defined in Chapter 1105, all words used shall carry their customary meanings. (Ord. 2006-13. Passed May 1, 2006.)

**1103.06 ZONING OF ANNEXED TERRITORY.**

All territory annexed to the Village after [\_\_\_\_\_INSERT DATE], shall immediately upon annexation be classified in the Rural Residential District and shall be subject to the regulations and standards of Chapter 1122, unless otherwise agreed by Council in accepting said annexation of property to the Village.

Within 30 days of the effective date of the ordinance annexing territory to the Village, an owner of property included therein may apply for a change in the zoning of his property to a Village Zoning District and such applicant is exempt from paying any required filing fee.

All territory annexed to the Village not zoned to a Village classification by an ordinance of the Village, is hereby classified Rural Residential. (Ord. 2006-13. Passed May 1, 2006.)

CHAPTER 1105  
Definitions

1105.0100	Interpretation of definitions.	1105.4100	Fast-food business.
1105.0200	Administrative and business offices.	1105.4200	Floor area (gross floor area).
1105.0205	Adult care facility.	1105.4300	Garage.
1105.0300	Agriculture.	1105.4400	Gasoline service station.
1105.0400	Alley.	1105.4500	Home furnishing sales.
1105.0500	Alteration, structural.	1105.4600	Home occupation.
1105.0600	Automotive sales.	1105.4700	Hospital.
1105.0700	Automotive services.	1105.4800	Hotel or motel.
1105.0800	Aviation-oriented facilities.	1105.4900	Household.
1105.0900	Basement.	1105.5000	Impervious surface.
1105.0950	Bed and breakfast.	1105.5100	Institution.
1105.1000	Board of Zoning Appeals.	1105.5200	Kennel.
1105.1100	Boarding house, lodging house and rooming house.	1105.5300	Landscaping.
1105.1200	Bufferyard.	1105.5400	Loading space.
1105.1300	Building.	1105.5500	Lot.
1105.1400	Building, accessory.	1105.5600	Lot area.
1105.1500	Building height.	1105.5700	Lot area (net).
1105.1600	Building line.	1105.5800	Lot, corner.
1105.1700	Building, principal.	1105.5900	Lot coverage.
1105.1800	Business services.	1105.6000	Lot line, front.
1105.1900	Car wash.	1105.6100	Lot line, rear.
1105.2000	Carry-out business.	1105.6200	Lot line, side.
1105.2100	Child day care.	1105.6300	Lot measurement.
1105.2200	Commercial center.	1105.6400	Lot, minimum area of.
1105.2300	Commercial vehicle.	1105.6500	Lot occupancy.
1105.2400	Comprehensive plan.	1105.6600	Lot of record.
1105.2500	Conditional use.	1105.6700	Nonconforming use.
1105.2600	Council.	1105.6800	Nursing home.
1105.2700	Crown.	1105.6900	Opacity.
1105.2800	Cultivar.	1105.7000	Open space.
1105.2900	Deciduous.	1105.7100	Organization and association.
1105.3000	Deck.	1105.7150	Paved or Pavement.
1105.3100	Density.	1105.7200	Parking area.
1105.3200	Disabled citizen.	1105.7300	Parking space, enclosed.
1105.3300	Drive-in or drive-through business.	1105.7400	Parking, off-street.
1105.3400	Dwelling, multiple-family.	1105.7500	Patio.
1105.3500	Dwelling, single family.	1105.7600	Pedestrian areas.
1105.3600	Dwelling, two-family.	1105.7700	Personal services.
1105.3700	Dwelling unit.	1105.7800	Physically handicapped housing.
1105.3800	Entertainment facilities, commercial.	1105.7900	Planning Commission.
1105.3900	Evergreen.	1105.8000	Professional offices.
1105.4000	Farm implement sales.	1105.8100	Public service facility.
		1105.8200	Public use facility.
		1105.8300	Recreational facilities.

1105.8400	Recreational vehicle sales.	1105.10000	Structure.
1105.8500	Repair service.	1105.10100	Subdivision.
1105.8600	Residential care facility (RCF).	1105.10200	Swimming pool.
1105.8700	Restaurant.	1105.10300	Temporary use permit.
1105.8800	Retail stores.	1105.10400	Thoroughfare plan.
1105.8900	Right-of-way.	1105.10500	Use.
1105.9000	Satellite signal receiver.	1105.10600	Variance.
1105.9100	Seat.	1105.10700	Veterinary hospital.
1105.9200	Senior and disabled housing.	1105.10800	Yard, front.
1105.9300	Senior and disabled independent housing.	1105.10900	Yard, rear.
1105.9400	Senior citizen.	1105.11000	Yard, side.
1105.9500	Sewer system, on-site.	1105.11100	Zero lot line.
1105.9700	Sign.	1105.11200	Zoning certificate.
1105.9900	Street and thoroughfare.	1105.11300	Zoning district.
		1105.11400	Zoning District Map.
		1105.11500	Zoning Administrator.
		1105.11600	Zoning Ordinance.

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**1105.0100 INTERPRETATION OF DEFINITIONS.**

For the purposes of this Zoning Ordinance, certain terms and words are to be defined as found in this Chapter. Words and terms not specifically defined carry their customarily understood meanings. Words used in the present tense include the future and the plural includes the singular and the singular the plural. The word "shall" is intended to be mandatory; "occupied" or "used" shall be considered as though followed by the words "or intended, arranged or designed to be used or occupied". In case of any difference of meaning or implication between the text of this Zoning Ordinance and any caption or illustration, the text shall control. In case of any difference of meaning or implication between a specific definition found elsewhere in this Zoning Ordinance and the definition found in this chapter, the specific definition shall control.

**1105.0200 ADMINISTRATIVE AND BUSINESS OFFICES.**

"Administrative and business offices" means offices which carry on no retail trade with the public and maintain no stock of goods for sale to customers.

**1105.0205 ADULT CARE FACILITY.**

"Adult Care Facility" means any residence or facility that provides accommodations and supervision for six to sixteen unrelated adults, at least three of whom are provided personal care services as defined in the Ohio Revised Code.

**1105.0300 AGRICULTURE.**

"Agriculture" means the use of land for farming, dairying, pasturage, horticulture, floriculture, viticulture, nursery production, and animal and poultry husbandry and the necessary accessory uses for packing, treating or storing of goods produced on the premises, provided the operation of any such accessory use is secondary to that of normal agricultural activities. "Agriculture" does not include the commercial feeding of garbage or offal to swine or other animals.

**1105.0400 ALLEY.**

"Alley" means a public way not more than twenty feet wide affording secondary means of access to abutting property.

**1105.0500 ALTERATION, STRUCTURAL.**

"Structural alteration" means any change in the structural members of a building.

**1105.0600 AUTOMOTIVE SALES.**

"Automotive sales" means the sale, lease or rental of new or used motor vehicles.

**1105.0700 AUTOMOTIVE SERVICES.**

"Automotive services" means the repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting and steam cleaning of vehicles.

**1105.0800 AVIATION-ORIENTED FACILITIES.**

"Aviation-oriented facilities" means any runway, land area or other facility designed to be used either publicly or privately, for the landing and taking-off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings and open space and aviation rental facilities.

**1105.0900 BASEMENT.**

"Basement" means a space with a floor level two feet or more below grade level, but having less than half its clear height above grade level.

**1105.0950 BED AND BREAKFAST.**

"Bed and Breakfast" means a home occupation in an owner-occupied residence wherein lodging and breakfast are provided to transient guests for compensation; such provision is subordinate to the principal residential use of the structure. A Bed and Breakfast facility must obtain a conditional use permit in accordance with the criteria established in Section 1177.03 governing home occupation conditional uses.  
(Ord. 2006-13. Passed May 1, 2006.)

**1105.1000 BOARD OF ZONING APPEALS.**

"Board of Zoning Appeals" means the Board of Zoning Appeals of the Village.

**1105.1100 BOARDING HOUSE, LODGING HOUSE AND ROOMING HOUSE.**

"Boarding house", "lodging house" and "rooming house" means dwellings in which at least three rooms are offered for rent and, if offered, table board is furnished only to roomers.

**1105.1200 BUFFERYARD.**

"Bufferyard" means a unit of land, together with a specified type and amount of planting thereon, which may be required to eliminate or minimize conflicts between land uses.

**1105.1300 BUILDING.**

"Building" means any structure having a roof supported by columns or by walls and intended for shelter, housing or enclosure of persons, animals or property of any kind.

**1105.1400 BUILDING, ACCESSORY.**

"Accessory building" means a subordinate building located on the same lot as the principal building, the use of which is incidental and accessory to that of the main building or use.

**1105.1500 BUILDING HEIGHT.**

"Building height" means the vertical distance measured from the average elevation of the finished grade along the front of the building to the highest point of the building structure.

**1105.1600 BUILDING LINE.**

"Building line" means the front yard setback line established by this Zoning Ordinance generally parallel with and measured perpendicularly from the front lot line, defining the limits of a front yard in which no building or structure may be located except as may be provided by this Zoning Ordinance or district regulation, or as established by the Board of Zoning Appeals.

**1105.1700 BUILDING, PRINCIPAL.**

"Principal building" means a building in which is conducted the main or principal use of the property on which such building is situated.

**1105.1800 BUSINESS SERVICES.**

"Business services" means any profit-making activity which renders services primarily to other commercial, institutional or industrial enterprises, or which services and repairs appliances and machines used in other businesses.

**1105.1900 CAR WASH.**

"Car wash" means a facility used for washing motor vehicles by self-service, attendant or machine, which is operated at charge to the customer or operated in conjunction with the sale of automobile service.

**1105.2000 CARRY-OUT BUSINESS.**

"Carry-out business" means a retail business conducted in a building having no more than 8,000 square feet of gross floor area and primarily engaged in selling food products to short-term customers for consumption off the premises.

**1105.2100 CHILD DAY CARE.**

"Child day care" means any child care arrangement that provides day care on a regular basis for more than six children pursuant to the definitions, rules and regulations of a Type B Child Care Facility as defined by the State of Ohio Department of Human Services.

**1105.2200 COMMERCIAL CENTER.**

"Commercial Center" means a commercial development containing two or more commercial uses on a site of less than five acres.

**1105.2300 COMMERCIAL VEHICLE.**

"Commercial vehicle" means a motorized vehicle which is used primarily for commercial purposes and not for personal or recreational purposes.

**1105.2400 COMPREHENSIVE PLAN.**

"Comprehensive Plan" means the long range development plan for the desirable use of land and development of thoroughfares and public facilities, as adopted by Council.

**1105.2500 CONDITIONAL USE.**

"Conditional use" means conditionally permitted in a Zoning District pursuant to the provisions of Chapter 1111. A conditional use is considered to be a conforming use.

**1105.2600 COUNCIL.**

"Council" means the Council of the Village of Centerburg.

**1105.2700 CROWN.**

"Crown" means the upper mass or head of a tree.

**1105.2800 CULTIVAR.**

"Cultivar" means a cultivated variety of plant material grown for its special form and characteristics.

**1105.2900 DECIDUOUS.**

"Deciduous" means plant material which normally sheds its foliage at the end of the growing season.

**1105.3000 DECK.**

"Deck" means a structure and is further defined as a horizontal platform supported by any combination of posts, beams, foundations, and/or joists with or without handrails, steps or terraces and not covered by a permanent roof. "Terrace", in this definition means a portion of the deck stepping up or down with the grade and used in lieu of, or in combination with, more traditional steps.

**1105.3100 DENSITY.**

"Density" is a unit of measurement; "density" means the number of dwelling units per acre of land.

- (a) "Gross density" means the number of dwelling units per acre of the total land to be developed including any area to be dedicated to public use.
- (b) "Net density" means the number of dwelling units per acre of land exclusive of any area to be dedicated to public use.

**1105.3200 DISABLED CITIZEN.**

"Disabled Citizen" means an adult having a physical or mental disability that:

- (a) Is expected to be of long-continued and indefinite duration;
- (b) Substantially impedes the person's ability to live independently; and
- (c) Is such that the person's ability to live independently could be improved by more suitable housing conditions. An adult who has a chronic mental illness, i.e., if he or she has a severe and persistent mental or emotional disability that seriously limits his or her ability to live independently (e.g., by limiting functional capacities relative to primary aspects of daily living such as personal relations, living arrangements, work, recreation, etc.), and whose disability could be improved by more suitable housing conditions. A person whose sole disability is alcoholism or drug addiction will not be considered to be disabled.

**1105.3300 DRIVE-IN OR DRIVE-THROUGH BUSINESS.**

"Drive-in" or "drive through business" means a retail or service establishment conducted in a building having no more than 8,000 square feet of gross floor area, and which provides a designated place from which persons can conduct the major portion of their business without leaving their motor vehicles.

**1105.3400 DWELLING, MULTIPLE-FAMILY.**

"Multiple-family dwelling" means a building, or a portion thereof, designed exclusively for three or more households living independently of each other.

**1105.3500 DWELLING, SINGLE FAMILY.**

"Single-family dwelling" means a building designed exclusively for and occupied exclusively by one household.

**1105.3600 DWELLING, TWO-FAMILY.**

"Two-family dwelling" means a building designed exclusively for and occupied exclusively by two households.

**1105.3700 DWELLING UNIT.**

"Dwelling unit" means a building, or a portion thereof, designed for occupancy by one household for residential purposes and having cooking facilities.

**1105.3800 ENTERTAINMENT FACILITIES, COMMERCIAL.**

"Entertainment facilities, commercial" means any activity conducted for economic gain which is generally related to the entertainment field including, but not limited to, theaters for showing motion pictures and theatrical performances.

**1105.3900 EVERGREEN.**

"Evergreen" means plant material that has foliage that remains green throughout the year.

**1105.4000 FARM IMPLEMENT SALES.**

"Farm implement sales" means an operation where the principal activity is the sale or rental of farm implements.

**1105.4100 FAST-FOOD BUSINESS.**

"Fast-food business" means a retail prepared-food business operation in which at least three of the following circumstances apply to the business:

- (a) It is conducted in a building having no more than 8,000 square feet of gross floor area.
- (b) It is self-service in nature having no waitresses or waiters.
- (c) It devotes less than forty percent (40%) of its gross floor area to customer seating.
- (d) Less than fifty percent (50%) of the food products sold are consumed on the premises.

**1105.4200 FLOOR AREA (GROSS FLOOR AREA).**

"Floor area" means the total area of a building measured by taking the outside dimension of the building at each floor level intended for occupancy, storage and circulation.

**1105.4300 GARAGE.**

"Garage" means an accessory building to a dwelling intended to be used for the storage of noncommercial vehicles.

**1105.4400 GASOLINE SERVICE STATION.**

"Gasoline service station" means a building, structure or land used for dispensing, sale, or offering for sale at retail of any automobile fuels, oils or accessories, including lubrication of automobiles and replacement or installation of minor parts and accessories.

**1105.4500 HOME FURNISHING SALES.**

"Home furnishing sales" means the sale of goods for equipping the home.

**1105.4600 HOME OCCUPATION.**

"Home occupation" means an occupation conducted in a dwelling unit subject to the provisions of Chapter 1177.

**1105.4700 HOSPITAL.**

"Hospital" means a building used for the diagnosis, treatment or other care of human ailments unless otherwise specified.

**1105.4800 HOTEL OR MOTEL.**

"Hotel" or "motel" means a building in which lodging is provided or offered to the public for compensation and which is open to transient guests in contradistinction to a boarding house or lodging house operated on a membership basis or a Bed and Breakfast.

**1105.4900 HOUSEHOLD.**

"Household" means one or more persons occupying a single dwelling unit, provided that unless all members are related by blood, adoption or marriage no such household shall contain over five persons. Each household shall have separate and independent cooking facilities.

**1105.5000 IMPERVIOUS SURFACE.**

"Impervious surface" means any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to building roofs, parking and driveway areas, sidewalks, decks and paved recreational facilities.

**1105.5100 INSTITUTION.**

"Institution" means an organization providing social, cultural, educational or health services to member agencies, organizations and individuals or to the general public.

**1105.5200 KENNEL.**

"Kennel" means a commercial operation that provides food, shelter and/or breeding of animals.

**1105.5300 LANDSCAPING.**

"Landscaping" means the use of natural plant materials including, but not limited to, ground covers, shrubs, and trees (deciduous and evergreen). Landscaping also involves the placement, preservation and maintenance of said plant materials in conjunction with associated improvements such as fences, walls, lighting, earth mounding and structures (principal or accessory).

**1105.5400 LOADING SPACE.**

"Loading space" means space within the principal building or on the same property or lot therewith, providing for the standing, loading or unloading of trucks.

**1105.5500 LOT.**

"Lot" means a division of land separated from other divisions for purposes of sale, lease or separate use, described on a recorded subdivision plat, recorded map or by metes and bounds and includes the terms "plat" and "parcel".

**1105.5600 LOT AREA.**

"Lot area" means the area of horizontal plane bounded by the vertical planes through front, side and rear lot lines.

**1105.5700 LOT AREA (NET).**

"Lot area (net)" means the lot area minus areas dedicated for public use or the area of private roadways.

**1105.5800 LOT, CORNER.**

"Corner lot" means a lot located at the intersection of two or more streets. A lot abutting on a curbed street or streets shall be considered a corner lot if the side lot lines to the foremost depth of the lot meet at an interior angle of less than 135 degrees. Irrespective of building orientation, on a corner lot, the setback for the front yard for that use shall apply to all sides of a lot having frontage on publicly dedicated rights of way.

**1105.5900 LOT COVERAGE.**

"Lot coverage" means the ratio of enclosed ground floor area of all buildings and pavement areas on a lot to the horizontally projected area of the lot, expressed as a percentage.

**1105.6000 LOT LINE, FRONT.**

"Front lot line" means the lot line separating an interior lot from the street right-of-way upon which it abuts or the shortest lot line of a corner lot which abuts upon a street right-of-way. Unless the context clearly indicates the contrary, it shall be construed as synonymous with street right-of-way line.

**1105.6100 LOT LINE, REAR.**

"Rear lot line" means the lot line which is opposite and furthest removed from the front lot line. In such a lot where the side lot lines meet to the rear of the lot, or where the rear lot line is less than ten feet, the minimum rear yard shall be computed from the point of intersection of the side lot lines on an imaginary line that is at equal angles from each side lot line. In the case of a corner lot, the rear lot line is opposite and furthest removed from the front lot line of least dimension.

**1105.6200 LOT LINE, SIDE.**

"Side lot line" means the lot line running from the front lot line to the rear lot line. This line is also the line dividing two interior lots.

**1105.6300 LOT MEASUREMENT.**

(a) "Lot depth" means the horizontal distance of a lot measured between the front and rear lot lines.

(b) "Lot width" means the width of a lot as measured along the building line.

**1105.6400 LOT, MINIMUM AREA OF.**

"Minimum area of lot" means the area of a lot computed exclusive of any portion of the right-of-way public thoroughfare.

**1105.6500 LOT OCCUPANCY.**

"Lot occupancy" means that in all zoning districts, no more than one building may be constructed on each lot unless all buildings conform to all applicable regulations and use provisions of this Zoning Ordinance.

**1105.6600 LOT OF RECORD.**

"Lot of record" means any lot which, individually or as part of a subdivision, has been recorded in the office of the County Recorder.

**1105.6700 NONCONFORMING USE.**

"Nonconforming use" means the use of land or a building, or a portion thereof, which does not conform with the use regulations of the district in which it is situated, which use was lawful prior to the enactment of this Zoning Ordinance on May 1, 2006 or subsequent amendments thereto.

**1105.6800 NURSING HOME.**

"Nursing Home" means a home licensed by the Ohio Department of Health which is used for the reception and care of senior and disabled individuals who by reason of illness or physical or mental disability require skilled nursing care and of individuals who require personal care services as defined in the Ohio Revised Code but not skilled nursing care as defined in the Ohio Revised Code.

**1105.6900 OPACITY.**

"Opacity" means the degree to which a structure, use or view is screened from adjacent properties.

**1105.7000 OPEN SPACE.**

"Open space" means that part of a zoned property, including courts or yards, which is open and unobstructed from its lowest level to the sky, accessible to all tenants upon the zoned property.

**1105.7100 ORGANIZATION AND ASSOCIATION.**

"Organization" and "association" mean an entity organized on a profit-making or non-profit-making basis for the promotion of membership interests. (See Section 1155.02(a)(4)).

**1105.7150 PAVED or PAVEMENT.**

“Paved” or “Pavement” means bituminous asphalt overlay or concrete in conformance with any standards established by the Village.

**1105.7200 PARKING AREA.**

"Parking area" means any part of a tract, site or parcel of land used by vehicles not totally enclosed within a structure. This includes parking space and aisles, streets, drives, loading areas and vehicle storage areas. This does not include driveways and permitted off street parking spaces for single-family residential uses.

**1105.7300 PARKING SPACE, ENCLOSED.**

"Enclosed parking space" means a structure or part of a structure consisting of a roof and walls covering an area to be used for parking a motorized vehicle.

**1105.7400 PARKING, OFF-STREET.**

"Off-street parking" means any parking space located wholly off any street, alley or sidewalk, either in a parking structure or on a lot and where each parking space conforms to these standards delineated in Section 1171.02(b) and is exclusive of access aisles or drives.

**1105.7500 PATIO.**

"Patio" means an impervious surfaced area, at or within thirty inches of the finished grade and not covered by a permanent roof.

**1105.7600 PEDESTRIAN AREAS.**

"Pedestrian areas" means those areas of a parcel of ground set aside to be used for a person or persons walking from one location to another.

**1105.7700 PERSONAL SERVICES.**

"Personal services" means any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, watch repair, barber shops, beauty shops and similar activities.

**1105.7800 PHYSICALLY HANDICAPPED HOUSING.**

“Physically handicapped housing” means any multi-family dwelling to be constructed or rehabilitated for and occupied by physically handicapped persons who require special housing facilities.

**1105.7900 PLANNING COMMISSION.**

"Planning Commission" means the Planning Commission of the Village.

**1105.8000 PROFESSIONAL OFFICES.**

"Professional offices" means offices which engage in providing to the general public services of a professional nature such as legal, engineering, medical, accounting and architectural services.

**1105.8100 PUBLIC SERVICE FACILITY.**

"Public service facility" means the erection, construction, alteration, operation, or maintenance of buildings, power plants, or substations, water treatment plants or pumping stations, sewage lift stations (but not sewage treatment plants), communication equipment, and other similar public service structures by a public utility, by a quasi-public utility, by a railroad,

whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communication, public water and sewage services.

**1105.8200 PUBLIC USE FACILITY.**

"Public use facility" means government owned facilities to which the public has access such as public parks, schools, school administrative buildings, recreational, cultural and service buildings, but does not include public land or buildings devoted solely to the storage and maintenance of equipment and material or the disposal of refuse.

**1105.8300 RECREATIONAL FACILITIES.**

"Recreational facilities" means any of the following:

- (a) Private and semi-public recreational facilities which are not operated for commercial gain;
- (b) Public recreational facilities which are open to the public, established and operated for a profit;
- (c) Municipal recreational facilities which are operated by the Village and open to the public with or without charge.

**1105.8400 RECREATIONAL VEHICLE SALES.**

"Recreational vehicle sales" means sale or rental of vehicles used principally for recreation.

**1105.8500 REPAIR SERVICE.**

"Repair service" means any business activity which services and repairs appliances and machines used in the home.

**1105.8600 RESIDENTIAL CARE FACILITY (RCF).**

"Residential Care Facility (RCF)" means a home that provides accommodations for seventeen or more unrelated senior or disabled citizens and supervision and personal care services as defined in the Ohio Revised Code for three or more of those individuals who are dependent on the services of others by reason of age or physical or mental disability.

**1105.8700 RESTAURANT.**

"Restaurant" means eating establishments, excluding fast food and carry out operations.

**1105.8800 RETAIL STORES.**

"Retail stores" means stores primarily engaged in selling merchandise for personal or household consumption and in rendering services incidental to the sale of goods.

**1105.8900 RIGHT-OF-WAY.**

"Right-of-way" means a strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting and drainage facilities, and may include special features required by the topography or treatment such as grade separation, landscaped areas, viaducts and bridges.

**1105.9000 SATELLITE SIGNAL RECEIVER.**

“Satellite Signal Receiver” means dish-type satellite signal-receiving antennas, earth stations, or ground stations with one or a combination of two or more of the following:

- (a) A signal-receiving device such as a dish antenna whose purpose is to receive communications or signals from earth orbiting satellites or similar services.
- (b) A low-noise amplifier (LNA) whose purpose is to boost, magnify, store, transfer, or transmit signals.
- (c) A coaxial cable whose purpose is to convey or transmit signals to a receiver.

**1105.9100 SEAT.**

"Seat" means an individual seating unit installed or indicated, or each eighteen lineal inches of bench or pew length.

**1105.9200 SENIOR AND DISABLED HOUSING.**

“Senior and Disabled Housing” means any residence or facility that provides accommodations and supervision to six or more unrelated senior or disabled citizens and supervision and personal care services as defined in the Ohio Revised Code or skilled nursing care as defined in the Ohio Revised Code for three or more of those individuals who are dependent on the services of others by reason of age or physical or mental disability. Senior and Disabled Housing shall include Adult Care Facilities, Nursing Homes and Residential Care Facilities.

**1105.9300 SENIOR AND DISABLED INDEPENDENT HOUSING.**

“Senior and Disabled Independent Housing” means an independent rental housing facility for senior or disabled citizens in which hotel services are included in the monthly rental fee and lease agreement. For a building to qualify under this definition, services provided shall include a meal program available to all residents, a dining room with seating capacity for at least half the residents at one time as defined by the Ohio Basic Building Code, a full-service kitchen with staff and capacity to support the meal program and dining room service, and available housekeeping and laundry, for its residents. As part of its decision, Planning Commission may alter the services available or not available. No supervision or personal care as defined in the Ohio Revised Code need be provided.

**1105.9400 SENIOR CITIZEN.**

“Senior Citizen” means any person who is fifty-five (55) years of age or older.

**1105.9500 SEWER SYSTEM, ON-SITE.**

"On-site sewer system" means a septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, the use of which is subject to the approval of the health and sanitation officials having jurisdiction; or an approved connection to municipal sewer service.

**1105.9700 SIGN.**

"Sign" means a name, identification, description, display or illustration which is free-standing or affixed to, painted or represented, directly or indirectly upon a building, structure or property and which directs attention to an object, product, place, activity, person, institution, organization or business and as further defined and regulated in Chapter 1181.

**1105.9900 STREET AND THOROUGHFARE.**

"Street" and "thoroughfare" means a public or private way for vehicular travel, including the entire area within the right-of-way.

**1105.10000 STRUCTURE.**

"Structure" means anything constructed or erected, the use of which requires location on the ground or attachment to something having a fixed location on the ground including, but not limited to walls, buildings, patios and backstops for sports. "Structure" does not include fences.

**1105.10100 SUBDIVISION.**

"Subdivision" means:

- (a) The division of any parcel of land into two or more parcels, sites or lots; or
- (b) The development of one or more parcels of land for multi-family uses or any use other than a residential use or an improvement involving the division or allocation of land for street opening, widening or extension, the division or allocation of land as open space for common use by owners, occupants or leaseholders, or an easement for extension and maintenance of sewer, water, drainage and other public facilities.

**1105.10200 SWIMMING POOL.**

"Swimming pool" means a pool, pond, lake, or open tank containing at least one and one-half feet of depth of water at any point, maintained as a swimming facility for humans by an owner or manager, and includes:

- (a) Private swimming pools which are intended exclusively for use by the residents and guests of a single household, a multi-family development or the patrons of a motel or hotel; and
- (b) Community or public swimming pools which are operated with or without charge, for general admission, for a community or for the members and guests of a club.

**1105.10300 TEMPORARY USE PERMIT.**

"Temporary use permit" means a document allowing the use of a building as permitted by the Board of Zoning Appeals to exist during periods of construction of the principal building or use, or a document issued by the Village Administrator or his designee for special events.

**1105.10400 THOROUGHFARE PLAN.**

"Thoroughfare plan" means the official plan of the Village of Centerburg identifying principal highways and streets in the Village, together with all amendments thereto subsequently adopted.

**1105.10500 USE.**

"Use" means the specific purposes for which land or a building is designated, arranged or intended or for which it is or may be occupied or maintained.

**1105.10600 VARIANCE.**

"Variance" means a modification of the literal provisions of this Zoning Ordinance granted pursuant to Chapter 1113 or Chapter 1108.

**1105.10700 VETERINARY HOSPITAL.**

"Veterinary hospital" means a structure or building set up for the medical care of animals, including offices, clinic space and indoor kennels for detaining animals, but not expressly allowing outdoor kennel areas.

**1105.10800 YARD, FRONT.**

"Front yard" means that portion of a lot extending across the front of the lot between the side lot lines and being the minimum horizontal distance between the street right-of-way and the front of the building or structure.

**1105.10900 YARD, REAR.**

"Rear yard" means that portion of a lot extending across the rear of a lot between the side lot lines and being the horizontal distance between the rear lot line and the rear of the building or structure.

**1105.11000 YARD, SIDE.**

"Side yard" means that portion of a lot which is located between a side lot line and the nearest building or structure.

**1105.11100 ZERO LOT LINE.**

"Zero lot line" means a condition where regulations for side yards can be modified or waived under the Planned Neighborhood District to allow structures or dwellings to share a common wall that is placed on the side lot line that separates individual lots in a subdivided plat.

**1105.11200 ZONING CERTIFICATE.**

"Zoning certificate" means an official statement certifying that a proposed building or use complies with all the provisions of this Zoning Ordinance.

**1105.11300 ZONING DISTRICT.**

"Zoning district" means a portion of the Village within which certain regulations and requirements or various combinations thereof apply under the provisions of this Zoning Ordinance.

**1105.11400 ZONING DISTRICT MAP.**

"Zoning District Map" means the Zoning District Map or maps of the Village, together with all amendments subsequently adopted by Council.

**1105.11500 ZONING ADMINISTRATOR.**

"Zoning Administrator" means the Zoning Administrator of the Village or his assistants, whose duties are outlined in Chapter 1107.

**1105.11600 ZONING ORDINANCE.**

"Zoning Ordinance" means Ordinance 2006-13, passed May 1, 2006, as amended which is codified as Titles One through Five of this Part Eleven - Planning and Zoning Code.